

Message Text

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R 221550Z MAY 76
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 3781
INFO /AMEMBASSY ATHENS 2047
AMCONSUL ALEXANDRIA
USMISSION GENEVA
AMCONSUL PORT SAID

C O N F I D E N T I A L CAIRO 7054

E.O. 11652: GDS
TAGS: SREF UNHCR EG
SUBJ: CONDITIONAL ENTRY PROCESSING AND USE OF ICRC TRAVEL DOCUMENT

REF: (A) STATE 123835; (B) CAIRO 6338; (C) 75 CAIRO 12366;
(D) 75 CAIRO 12671

1. RE REF (A), EMBASSY IS AWARE PROVISIONS OF SECTION
203(A) (7) OF INA CONCERNING CONDITIONAL ENTRY AND
THAT INS MUST BE SATISFIED ALIEN MEETS NECESSARY CRITERIA
IN ORDER BE GRANTED SUCH STATUS.

2. PROKOP CASE WAS TYPICAL OF DIFFICULTIES WE HAVE HAD
WITH PREVIOUS REFUGEE CASES, AS DESCRIBED IN REFTEL (C).
PROKOPS SOUGHT ASYLUM WITH USG NOT BECAUSE OF ACTUAL PER-
SECUTION IN CZECHOSLOVAKIA, BUT BECAUSE OF DISSATISFACTION
WITH COMMUNIST SYSTEM AND DESIRE TO IMPROVE THEIR WAY OF
LIFE. THEY OF COURSE COULD BE SAID TO HAVE WELL-FOUNDED
FEAR OF PERSECUTION IF CZECH GOVERNMENT SHOULD BECOME
AWARE OF THEIR DISLOYALTY TO REGIME AND PLANS TO
SEEK ASYLUM IN US. ONCE THEIR ABSENCE FROM TOUR
GROUP IN EGYPT NOTED, THEY WERE INDEED IN DANGER
OF PERSECUTION. IT WAS ON THIS BASIS THAT UNHCR
REP HALIM GRANTED THEM REFUGEE STATUS. IF HE HAD
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REFUSED TO DO SO, EMBASSY AS WELL AS PROKOPS WOULD

HAVE BEEN PLACED IN DIFFICULT POSITION.

3. HALIM'S STATEMENT QUOTED CAIRO 6754 AND REFERRED TO IN REF (A) TO EFFECT THAT USG HAD ACCEPTED PROKOPS AS REFUGEES WAS OF COURSE IN ERROR AND BASED ON MIS-UNDERSTANDING, SINCE HE ASSUMED INCORRECTLY THAT PHYSICAL PRESENCE OF REFUGEE IN EMBASSY COMPOUND MEANT WE HAD ACCEPTED THEM. THIS MISCONCEPTION HAS BEEN DISCUSSED WITH HIM AND HE NOW UNDERSTANDS.

4. RE PARA 2 REFTTEL (B), HALIM TOLD EMBASSY OFFICER SUGGESTED MODALITIES FOR HANDLING SUCH REFUGEE CASES HAD BEEN MADE BY UNHCR TO EGYPTIAN AUTHORITIES SOME TIME PREVIOUSLY, BUT LACK OF RESPONSE HAD MADE CLEAR THAT FUTURE REQUESTS WOULD HAVE TO BE HANDLED ON CASE-BY-CASE BASIS.

5. EMBASSY OFFICER WILL DISCUSS MATTER FURTHER WITH HALIM SUGGESTING UNHCR OFFICER REWORD ANY FUTURE REQUEST FOR ICRC TRAVEL DOCUMENTATION AND VISA TO SHOW THEY ARE REQUIRED TO PERMIT TRAVEL OF REFUGEE TO MAKE APPLICATION FOR CONDITIONAL ENTRY TO US (WITHOUT IMPLICATION SUCH ENTRY ALREADY APPROVED).

6. AS RESULT REF (A) AND DISCUSSION REPORTED GENEVA 3944 HALIM HAS RECEIVED ROCKET FROM UNHCR GENEVA CHEWING HIM OUT. HE IS UNDERSTANDABLY UPSET BECAUSE HE THOUGH HE WAS SIMPLY COOPERATING WITH EMBASSY. HE NOTED THAT IN HIS VIEW, FEW IF ANY OF EIGHT REFUGEE CASES WE HAVE HAD HAVE PROPERLY QUALIFIED FOR UNHCR REFUGEE STATUS. IMPLICATION IS THAT, HAD ANY OF THEM FIRST APPROACHED HIM, THEY WOULD PROBABLY HAVE BEEN REJECTED ON GROUNDS THAT THEY ARE NOT FLEEING FROM PERSECUTION, BUT SIMPLY WANT TO GO TO US. SCOLDING HE HAS RECEIVED FROM GENEVA WILL NOT HELP OUR FUTURE WORKING RELATIONSHIPS. SUGGEST IF DEPT HAS OBJECTION TO HALIM'S ACTIVITIES IN FUTURE WE BE INSTRUCTED DISCUSS MATTER FIRST WITH HIM BEFORE USMISSION GENEVA GOES TO HIS HEADQUARTERS
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TO COMPLAIN.

7. DEPARTMENT'S ATTENTION IS AGAIN INVITED TO SITUATION DISCUSSED IN PARA 9 COMMENT OF REFTTEL (C) AND TO REFTTEL (D). GIVEN INTEREST OF CONGRESS IN MATTERS INVOLVING REFUGEES AND USG POLICY, EMBASSY CANNOT REFUSE BONA FIDE REQUEST FOR ASYLUM OR AID. HOWEVER IF UNHCR REP IS OBLIGED TO APPLY STRICTLY UNHCR RULES CONCERNING

REFUGEES AND THEREFORE DOES NOT FIND INDIVIDUALS
ELIGIBLE FOR ASSISTANCE THROUGH HIS OFFICE,
SITUATION OF EMBASSY WOULD BE DIFFICULT. EMBASSY
WOULD APPRECIATE DEPARTMENT'S COMMENTS RE SUGGESTED
ACTION SHOULD SITUATION THIS NATURE ARISE.
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